IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1249 OF 2007

Mr.Vitthal Shankar Dombe. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Rahul S. Kate, Adv. for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.157 of 2006 of Vaduj Police Station. The said case is under Sections 498-A, 302 of IPC.

3. The applicant was married to Asha on 23.3.1998. It is the prosecution case that thereafter the applicant fell in love with Pinky alias Prajkta Waghire who was the cousin sister of Asha. Infact, the applicant had told the mother of Pinky that he likes her daughter Pinky very

much. On 25.11.2006 Asharani told the mother of Pinky that her husband (applicant) wishes to marry Pinky and he was requesting for permission from Asha to allow him to marry Pinky. Thereafter, on 9.12.2006 Asha was found dead in suspicious circumstances in her matrimonial home. In the matrimonial home only Asha, applicant and two minor children who were aged 6 and 7 years were residing.

4. The post-mortem notes shows ligature mark on the neck of the deceased Asha. The cause of death is given as asphyxial death most probably due to strangulation. The case of the applicant is that Asha committed suicide by hanging herself from the fan in the house and as she was suffering from Asthma. However, as far as this aspect is concerned, the material on record including the photographs does not show that the fan was used by Asha to hang herself.

5. Mr.Kate, submitted that two children of the applicant and deceased Asha do not implicate the applicant. As far as this aspect is concerned, it is seen that the children are just 6 and 7 years

old. Moreover, their statements have been recorded belatedly i.e. on 6.1.2007. At that time, the children were residing with the mother of the present applicant. In such case, even if the children have stated that there was no fights between their mother and father that itself would not exonerate the present applicant. In my view, there is sufficient material which implicates the present applicant in the above case. Hence I do not think that this is a fit case to grant bail.

6. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)